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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/205,119	12/3/98	Eldering	8887-3004

EXAMINER

CONSBERRY

ART UNIT	PAPER NUMBER
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2611 9

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) Charles Eldering (3) Hunter Lashberry
(2) Douglas Ryder (4) Andrew Faile

Date of Interview 8/12/02

Type: ☐ Telephonic ☐ Televideo Conference ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☒ Yes ☐ No If yes, brief description: Software demo of advertisement monitoring and generation of profiles

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: Newly submitted claims 42-73 (attached)

Identification of prior art discussed: Wynblatt of record

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant submitted new claims for discussion. The demonstration and discussion centered on the feature of "indirect" traits of subscriber derived from subscriber interactions. Examiner to update search after receipt of formal amendment.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has been ready been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

Andrew Faile

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

CERTIFICATE OF TRANSMISSION (37 CFR 1.8(A))

PATENT

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the U.S. Patent and Trademark Office.

Date: August 7, 2002

Laura J. Kelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN NUMBER 09/205,119	FILING DATE 03 DEC 1998	FIRST NAMED INVENTOR ELDERING	ATTY. DKT. NO. T704-00 (formerly 8887.3004)
TITLE ADVERTISEMENT MONITORING SYSTEM			ART UNIT 2611
			EXAMINER LONSBERRY, H.

Assistant Commissioner for Patents
Washington, DC 20231

INFORMAL AMENDMENT

This informal Amendment is in response to the Office Action mailed June 6, 2002, the due date for responding being September 6, 2002. This informal amendment is being provided to the Examiner in advance of the interview scheduled for August 12th at 11:00. It is anticipated that we will discuss the Office Action and this informal amendment at the Interview and Expanse will also provide a software demonstration of the Expanse product disclosed in this application. It is anticipated that in addition to the undersigned attorney (Doug Ryder) that Charles Eldering, President/CEO of Expanse Networks and one of the named Inventors for this application will also attend.

In the Claims

Please cancel claims 14-41 without prejudice or disclaimer to the subject matter contained therein. Please add claims 42-73 in accordance with the amended pages attached to this amendment.

Informal Amendment

-1-

09/205,119

Remarks***Status***

The Examiner rejected claims 14-41 (all of the pending claims). Claims 14-41 have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 42-73 have been added. Claims 42, 46, 60, 71 and 73 are the independent claims. It is submitted that all of the currently pending claims (42-73) are patentable over the cited references for at least the reasons discussed below.

Discussion

The Examiner rejected claims 14, 15 and 17-40 under 35 U.S.C. §103(a) as being unpatentable over *Ivanyi* (USP 6,286,140B1) in view of *Holman* (USP 5,287,181); and claims 16 and 41 under 35 U.S.C. §103(a) as being unpatentable over *Ivanyi* and *Holman* in view of *Wynblatt et al.* (U.S.P. 6,018,710). The applicant respectfully submits that claims 14-41 were patentable over the cited references. However, in order to expedite prosecution claims 14-41 have been canceled without prejudice or disclaimer to the subject matter contained therein. The applicant respectfully submits that newly added claims 42-73 are patentable over the cited references for at least the following reasons.

Independent claim 42 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. The subscriber interactions are processed in order to generate the subscriber profile, wherein the subscriber profile identifies traits about the subscriber that are not directly related to the subscriber interactions. It is submitted that none of the references, whether taken alone or in combination with one another, disclose or suggest processing subscriber interactions in order to generate a subscriber profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

To the contrary, as summarized by the Examiner on page 2 of the Office Action (with respect to claim 14) *Ivanyi* discloses a system for monitoring a subscribers television and commercial viewing, determining whether or not the subscriber is watching an advertisement by monitoring channel and volume changes, and recording the data for distribution to a centralized database. On page 3 of the Office Action (with respect to claim 15) the Examiner states that statistical data is collected in order to describe or gauge viewer behavior. However, the statistical data is clearly interaction related and does not describe traits unrelated to the interactions. There is clearly no disclosure or suggestion in *Ivanyi* of processing the monitored data to generate a profile of the subscriber that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

As summarized by the Examiner on page 2 of the Office Action *Holman* discloses a downloadable coupon system in which ad related information is downloaded to a set top box and is later uploaded to a central computer. The subscriber may select the coupons of interest and retain them for use in some fashion. There is clearly no disclosure or suggestion in *Holman* of processing the monitored data to generate a profile of the subscriber, let alone a profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

As summarized by the Examiner on page 9 of the Office Action *Wynblatt et al.* discloses an Internet based radio system that selects ads for a subscriber to hear based upon subscriber interests, wherein the interest information is based on the websites visited by the subscriber. However, the interests are simply based on where the subscriber surfed (i.e., surf car site receive car ad) and are not based on generating a profile of the subscriber, let alone a profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

For at least the reasons advanced above, it is clear that none of the cited references whether taken alone or in any reasonable combination, disclose or processing the monitored data to generate a profile of the subscriber, let alone a profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42. Accordingly, claim 42 is submitted to be patentable over *Ivanyi*, *Holman* and *Wynblatt et al.*. Moreover,

claims 43-45 depend from claim 42 and are therefore submitted to be patentable over the cited references for at least the reasons addressed above with respect to the patentability of claim 42, and for the further features recited therein.

Independent claims 46 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Heuristic rules associated with the subscriber interactions are retrieved. The heuristic rules associate the subscriber interactions to characteristics about the subscriber. The heuristic rules are applied to the subscriber interactions in order to generate the subscriber profile that identifies characteristics about the subscriber. It is submitted that none of the references whether taken alone or in combination with one another disclose or suggest the retrieval or application of heuristic rules, as required by claim 46.

For at least the reasons described above, claim 46 is submitted to be patentable over the cited references. Claims 47-60 depend from claim 46 and are submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein. For example, claim 47 recites that the heuristic rules associate the subscriber interactions to characteristics about the subscriber that are not directly related to the interactions and the subscriber profile identifies traits about the subscriber that are not directly related to the interactions. None of the cited references disclose or suggest this limitation. Accordingly, it is submitted that claims 46-60 are in condition for allowance.

Independent claim 60 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. The subscriber interactions are processed in order to define traits associated with the subscriber interactions. Heuristic rules are applied to the traits in order to generate the subscriber profile. The heuristic rules associate the traits to characteristics about the subscriber and the subscriber profile identifies characteristics about the subscriber. It is submitted that none of the references whether taken alone or in combination

with one another disclose or suggest the application of heuristic rules to subscriber traits, as required by claim 60.

For at least the reasons described above, claim 60 is submitted to be patentable over the cited references. Claims 61-70 depend from claim 60 and are submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein. For example, claim 61 recites that the heuristic rules associate the subscriber interactions to characteristics about the subscriber that are not directly related to the interactions and the subscriber profile identifies traits about the subscriber that are not directly related to the interactions. None of the cited references disclose or suggest this limitation.

Independent claim 71 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Information associated with the advertisements presented is retrieved and applied to the subscriber interactions to generate interaction data. A set of rules associated with at least a subset of the interaction data is retrieved. The set of rules relates at least one aspect of the interaction data to at least one non-interaction characteristic. The set of rules are applied to the interaction data in order to generate the subscriber profile, wherein the subscriber profile includes at least one non-interaction characteristic about the subscriber. It is submitted that none of the references whether taken alone or in combination with one another disclose or suggest the retrieval or application of a set of heuristic rules that relate at least one aspect of the interaction data to at least one non-interaction characteristic, as required by claim 71.

For at least the reasons described above, claim 71 is submitted to be patentable over the cited references. Claims 72 depends from claim 71 and is submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein.

Independent claim 73 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Information corresponding to the advertisements presented is retrieved. The information includes descriptions of at least one

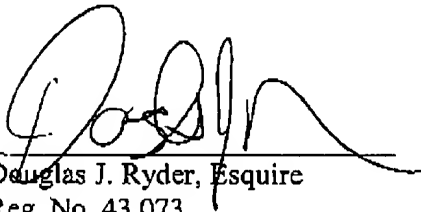
aspect of the advertisements presented. A first representation of the subscriber is generated based on the subscriber interactions and the information. A set of rules associated with at least a subset of the first representation is retrieved. The set of rules relates at least one aspect of the first representation to at least one non-interaction parameter. The set of rules is applied to the first representation in order to generate the subscriber profile, wherein the subscriber profile defines at least a second representation of the subscriber.

It is submitted that none of the cited references, whether taken alone or in combination with one another, disclose or suggest the retrieval or application of a set of heuristic rules that relate at least one aspect of the first representation of the subscriber to at least one non-interaction parameter in order to generate a subscriber profile that defines at least a second representation of the subscriber, as required by claim 73. Accordingly, claim 73 is submitted to be patentable over the cited references.

Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 42-73 are in condition for allowance. Accordingly, early allowance of claims 42-73 is earnestly solicited. Should the Examiner have any questions or concerns prior to the Interview, the Examiner should contact the undersigned to discuss.

Respectfully submitted,


Douglas J. Ryder, Esquire
Reg. No. 43,073

Date: 8/7/02

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Claims

What is claimed:

42. A method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile, the method comprising:

5 monitoring subscriber interactions to advertisements presented; and
processing the subscriber interactions to generate the subscriber profile, wherein the subscriber profile identifies traits about the subscriber that are not directly related to the subscriber interactions.

10 43. The method of claim 42, wherein said processing the subscriber interactions includes applying heuristic rules to the subscriber interactions in order to generate the subscriber profile, wherein the heuristic rules associate the subscriber interactions to characteristics about the subscriber that are not directly related to the subscriber interactions.

15 44. The method of claim 42, further comprising retrieving information associated with the advertisements presented, wherein said processing includes processing the subscriber interactions with respect to the information.

20 45. The method of claim 42, further comprising processing the subscriber interactions in order to define traits associated with the subscriber interactions, wherein said processing the subscriber interactions to generate the subscriber profile includes processing some combination of the traits and the subscriber interactions in order to generate the subscriber profile.

46. A method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile, the method comprising:

monitoring subscriber interactions to advertisements presented;

retrieving heuristic rules associated with the subscriber interactions, wherein the heuristic

5 rules associate the subscriber interactions to characteristics about the subscriber; and

applying the heuristic rules to the subscriber interactions in order to generate the subscriber profile, wherein the subscriber profile identifies characteristics about the subscriber.

47. The method of claim 46, wherein the heuristic rules associate the subscriber
10 interactions to characteristics about the subscriber that are not directly related to the interactions and the subscriber profile identifies characteristics about the subscriber that are not directly related to the interactions.

48. The method of claim 46, further comprising retrieving information associated
15 with the advertisements presented, wherein said applying includes applying the heuristic rules to the subscriber interactions with respect to the information.

49. The method of claim 46, further comprising
processing the subscriber interactions in order to define traits associated with the
20 subscriber interactions, wherein
said retrieving includes retrieving heuristic rules associated with some combination of the subscriber interactions and the traits; and

said applying includes applying the heuristic rules to some combination of the traits and the subscriber interactions in order to generate the subscriber profile.

50. The method of claim 46, wherein the heuristic rules are probabilistic in nature.

5

51. The method of claim 46, wherein the subscriber profile is probabilistic in nature.

52. The method of claim 46, wherein the heuristic rules predict demographic characteristics about the subscriber.

10

53. The method of claim 46, wherein the subscriber profile identifies demographic characteristics of the subscriber.

54. The method of claim 46, wherein the heuristic rules predict product interest characteristics about the subscriber.

15

55. The method of claim 46, wherein the subscriber profile identifies product interest characteristics of the subscriber.

56. The method of claim 46, wherein said monitoring includes monitoring at least some subset of channel changes, volume changes, record commands, and associated time.

20

57. The method of claim 46, wherein said monitoring includes monitoring all subscribers interactions with a television.

58. The method of claim 57, further comprising retrieving information corresponding
5 to the subscriber interactions.

59. The method of claim 58, wherein the information includes at least some subset of title, category, subcategory, description, rating, content, product, brand, and product type.

10 60. A method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile, the method comprising:

monitoring subscriber interactions to advertisements presented;

processing the subscriber interactions in order to define traits associated with the subscriber interactions; and

15 applying heuristic rules to the traits in order to generate the subscriber profile, wherein the heuristic rules associate the traits to characteristics about the subscriber and the subscriber profile identifies characteristics about the subscriber.

61. The method of claim 60, wherein the heuristic rules associate the traits to
20 characteristics about the subscriber that are not directly related to the interactions and the subscriber profile identifies characteristics about the subscriber that are not directly related to the interactions.

62. The method of claim 60, wherein said processing includes aggregating the subscriber interactions in order to define the traits associated with the subscriber interactions.

5 63. The method of claim 62, wherein said aggregating includes aggregating the subscriber interactions for a single viewing session to generate session traits associated with the subscriber interactions for that viewing session.

10 64. The method of claim 62, wherein said aggregating includes aggregating the subscriber interactions for multiple viewing sessions to generate average traits associated with the subscriber interactions for the multiple viewing sessions.

65. The method of claim 60, wherein the traits associated with the subscriber interactions do not identify raw subscriber interactions.

15

66. The method of claim 60, wherein the traits associated with the subscriber interactions include at least some subset of
viewing percentage per product and brand; and
average volume per product and brand.

20

67. The method of claim 60, wherein said processing includes determining the extent to which advertisements are viewed by the subscriber.

68. The method of claim 60, further comprising retrieving information associated with the advertisements presented, wherein said processing includes processing the subscriber interactions with respect to the information in order to define the traits.

69. The method of claim 60, wherein said monitoring includes monitoring all subscribers interactions with a television.

70. The method of claim 69, wherein the traits associated with the subscriber interactions include at least some subset of

viewing time per channel, category, and network;

channel changes per time period;

average volume per time period, channel, category, and network; and

dwelling time per channel, category, and network.

71. A method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile, the method comprising:

monitoring subscriber interactions to advertisements presented;

retrieving information associated with the advertisements presented;

applying the information to the subscriber interactions to generate interaction data;
retrieving a set of rules associated with at least a subset of the interaction data, wherein
the set of rules relates at least one aspect of the interaction data to at least one non-interaction
characteristic; and

5 applying the set of rules to the interaction data in order to generate the subscriber profile,
wherein the subscriber profile includes at least one non-interaction characteristic about the
subscriber.

72. The method of claim 71, further comprising
10 aggregating the interaction data to generate interaction traits associated with the
subscriber, wherein
said retrieving a set of rules includes retrieving a set of rules associated with some
combination of the interaction data and the interaction traits, wherein the set of rules relates at
least one aspect of the some combination to at least one non-interaction characteristic; and
15 said applying includes applying the set of rules to the combination in order to generate
the subscriber profile.

73. A method for monitoring a subscribers interactions with advertisements in order
to generate a subscriber profile, the method comprising:
20 monitoring subscriber interactions to advertisements presented;
retrieving information corresponding to the advertisements presented, wherein the
information includes descriptions of at least one aspect of the advertisements presented;

creating a first representation of the subscriber based on the subscriber interactions and the information;

retrieving a set of rules associated with at least a subset of the first representation, wherein the set of rules relates at least one aspect of the first representation to at least one non-

5 interaction parameter; and

applying the set of rules to the first representation in order to generate the subscriber profile, wherein the subscriber profile defines at least a second representation of the subscriber.